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10/042,049	01/08/2002	Michael Wayne Brown	AUS920000718US1	4476

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EXAMINER	
CHEA, PHILIP J	

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

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Technology Center 2100

Application Number: 10/042,049
Filing Date: January 08, 2002
Appellant(s): BROWN ET AL.

David Victor
Reg. No. 39,867
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 10, 2007 appealing from the Office action mailed September 21, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on May 10, 2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Claims 17,19-20,29,31-32,49,51 and 52 have been cancelled and are no longer presented for review.

(7) Claims Appendix

A substantially correct copy of appealed claims 17,19-20,29,31-32,49,51 and 52 appears on pages 34-35,38-39 and 43, of the Appendix to the appellant's brief. The minor errors are as follows: Claims 17,19-20,29,31-32,49,51 and 52 have been cancelled.

(8) Evidence Relied Upon

U.S. Patent Pub. No. 2001/0049617

"Extended Systems" ("IrDA versus Bluetooth: A Complementary Comparison" downloaded from www.dpi.net.ir 3/8/05

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3,5-11,13-16,21-25,27-28,33-35,37-43,45-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Berenson et al. (US 2001/0049617), herein referred to as Berenson.

As per claims 1,21,33, Berenson discloses a system implemented by a wireless device to provide information on a scheduled event in a person information manager (PIM) application, wherein the wireless device performs:

receiving a code provided with a promotion of a promoted event sponsored by a third party entity (see page 2, paragraph [0027]);

transmitting the received code to a server including a calendar database having personal calendar information for a user of the transmitting wireless device including scheduled event records, wherein the server maintains an association of promoted event codes with third party entities sponsoring the promoted events, and wherein the received code is provided from a source external to the server (see page 2 paragraph [0029]);

receiving from the server a scheduled event record including information on the promoted event associated with the code (see page 2, paragraph [0029]); and

rendering calendar information from the calendar database at the wireless device including information on the scheduled event included in the scheduled event record (see page 4, paragraph [0045]).

As per claims 2,34, Berenson further discloses that the code is entered via a user input mechanism on the wireless device (see page 2, paragraph [0027]).

As per claims 3,35, Berenson further discloses that the code is transmitted to the wireless device via a wireless transmission medium (see page 4, paragraph [0045]).

As per claims 5,22,37, Berenson further discloses that the scheduled event record is displayed with the calendar information at the wireless device as a non-committed event (see page 2, paragraph [0024]).

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As per claims 6,38, Berenson further discloses that the code is transmitted to the server in response to the user input at the wireless device (see page 2, paragraph [0027]).

As per claims 7,39, Berenson further discloses receiving a plurality of codes associated with promoted events sponsored by at least one third party entity, wherein transmitting the code to the server comprises transmitting the plurality of codes, wherein receiving the scheduled event record from the server further comprises receiving one scheduled event record for each transmitted code, and wherein rendering calendar information at the wireless device including information on the scheduled event comprises rendering information on scheduled events for the received scheduled event records (see page 2, paragraphs [0027,0029]).

As per claims 8,23,40, Berenson discloses a system implemented by a server to provide schedule events for users of wireless devices, wherein the wireless devices are capable of displaying calendar information on scheduled events, comprising:

- maintaining an association of codes with promoted events sponsored by third party entities, wherein the received codes are provided to the users of the wireless device from a source external to the server and with a promotion of a promoted event sponsored by a third party entity; (see page 2, paragraph [0024]);

- maintaining a calendar database having personal information for the users of the wireless devices (see paragraph [0026]);

- receiving a code associated with on promoted event sponsored by one third party entity transmitted from one of the wireless devices (see page 2, paragraph [0027]);

- determining a scheduled event record including information on the promoted event corresponding to the received code (see page 3, paragraph [0030]);

- adding the determined schedule event record to the calendar database for the user of the wireless device that transmitted the code (see page 2, paragraph [0029]); and

- transmitting the determined scheduled event record to the wireless device that transmitted the code, wherein the wireless device is capable of rendering calendar information including information on the scheduled event included in the transmitted scheduled event record (see page 2, paragraph [0029]).

As per claims 9,41, Berenson further discloses providing a data structure including a plurality of codes and associating with each code one scheduled event record, wherein determining the scheduled event record corresponding to the received code comprises searching the data structure for one code matching the received code transmitted from the wireless device and the associated scheduled event record (see page 2, paragraph [0027]).

As per claims 10,24,42, Berenson further discloses that a plurality of codes are received from the wireless device and one determined scheduled event record for each code is transmitted to the wireless device transmitting the plurality of codes (see page 2, paragraph [0027]).

As per claims 11,25,43, Berenson further discloses that schedule event records and codes are provided for different event promoters (see page 2, paragraph [0020]).

As per claims 13,27,45 Berenson further discloses a system implemented by a wireless device to provide information on a scheduled event to a personal information manager (PIM) application, wherein the wireless device performs:

receiving a scheduled event record including information on a scheduled event transmitted from a transmitter system for a promoted event sponsored by a third party entity including at least one scheduled event record when the wireless device is within a broadcast range of the transmitter system (see page 2, paragraph [0024], and paragraph [0007], wherein receiving event messages with wireless transmission implicitly, if not inherently, requires that the wireless device is within a broadcast range of the transmitter system in order to receive the event);

rendering calendar information at the wireless device including information on the promoted event included in the scheduled event record (see page 4, paragraph [0045]); and

transmitting the scheduled event record for the promoted event to a server including a calendar database for a user of the transmitting wireless device including scheduled event records, wherein the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device (see page 3, paragraph [0030]).

As per claims 14,46, Berenson further discloses receiving user input to accept the scheduled event record, wherein information on the scheduled event in the scheduled event record is rendered with

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calendar information and wherein the scheduled event record is transmitted to the server to include in the calendar database for the user of the wireless device after receiving the user input to accept the scheduled event record (see Berenson page 3, paragraph [0032]).

As per claims 15,28,47 Berenson further discloses receiving a list of scheduled events for promoted events from at least one third party entity from the transmitter system (see page 2, paragraph [0021]);

receiving user input selecting at least one of the scheduled events on the list for one promoted event (see Berenson page 2, paragraph [0024]); and

transmitting information on the selected at least one schedule event to the transmitter system, wherein receiving the scheduled event record further comprises receiving one scheduled event record for each selected scheduled event (see Berenson page 2, paragraph [0029]).

As per claims 16,48, Berenson further discloses that rendering the calendar information at the wireless device further comprises rendering information on the scheduled event included in each received scheduled event record, and wherein transmitting the scheduled event to the server further comprises transmitting each scheduled event to the server (see Berenson page 2, paragraph [0024]).

Claims 4 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 3 and 35 above, and further in view of Extended Systems ("IrDA versus Bluetooth: A Complementary Comparison").

Although the system disclosed by Berenson shows a code transmitted to a wireless device, transmitted from the wireless device to the server, it fails to disclose that the code is rendered at the wireless device automatically without any intervening user action.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Extended Systems.

In an analogous art, Extended Systems disclose methods of communicating by wireless transmission further showing that it would have been obvious to allow a code rendered at a wireless

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device automatically without any intervening user action (see page 4, paragraph 2, where information is extended between two devices without user intervention).

Given the teaching of Extended Systems, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing data transmission without any intervening user action, such as disclosed by Extended Systems, in order to allow a user to synchronize a handheld device with another computer without having to utilize messy cords.

Claims 12,26,44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenson as applied to claims 11,25,43, above, and further in view of Ciarlante et al. (US 6,532,488).

As per claims 12,26,44, although the system disclosed by Berenson shows making scheduled event records for the promoter available to wireless devices in response to transmissions of the code associated with the scheduled event record (see page 2, paragraph [0029]), it fails to disclose charging a fee to the event promoter to include one scheduled event record in the data structure.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Berenson, as evidenced by Ciarlante et al.

In an analogous art, Ciarlante et al. disclose a host server connected to different independent software vendors, which provide applications to the host server, which are available for use by clients. Ciarlante further discloses charging a fee to the independent software vendors for hosting the software made available to the clients (see column 12, lines 36-45).

Given the teaching of Ciarlante et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Berenson by employing a charging system for utilizing a hosting system, such as disclosed by Ciarlante, in order for a hosting system to profit off independent vendors to use the portal to the vendors that the hosting system provides.

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(10) Response to Argument

(A) Applicant contends that Berenson does not disclose a wireless device receiving a code provided with the promotion of a promoted event from a source external to the server or calendaring system as claimed.

In considering (A), the Examiner respectfully disagrees. Evidence that the user device is wireless can be found in paragraph 19. Receiving a code is considered the hyperlink that is received by a user when the user accesses a program listing web site (see paragraph 21). Also see Fig. 2 showing the web site that is presented to the user. The web site is being viewed on the user device, thus the underlined text (i.e. hyperlink) is received by the user. Applicants specification show that the event code may comprise any alpha-numeric string (see page 18, lines 13-14). A hyperlink is a coded address that can be made up from a string of letters and/or numbers. Therefore, the Examiner believes that the hyperlink presented to the user can be considered the code. The code is associated with a promotion of a promoted event because the program listing web site can be applicable to events such, artistic events, sporting events, etc (see paragraph 20). The code is from a source external to the server because the codes are provided from a variety of sources such as, public or private events, campus events, etc. Further evidence suggesting that the code is from a source external to the server can be found in paragraph 25, describing how raw event data is formatted and sent to an event database where it finally may be accessed by the server [306]). Therefore, the user-received hyperlink is retrieved from the event database.

(B) Applicant contends that Berenson does not disclose transmitting the code to the server having the calendar database.

In considering (B), the Examiner respectfully disagrees. Berenson shows that a user may select a link (i.e. code) directly from the public events schedule (see paragraph 27), thereby transmitting the code to the calendaring system so that it can remind the user of the event (see paragraph 26).

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(C) Applicant contends that Berenson does not disclose the server including the personal calendar information also maintain an association of promotion event codes, which are transmitted from an external source to a wireless device.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the server including the personal calendar information also maintain an association of promotion event codes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim merely requires that the server receive the code. There is no indication in the claim that the calendar information and event are maintained together.

(D) Applicant contends that Berenson does not show that the event message providing a reminder of the event be sent from a source external to the server having the personal calendar information and that the wireless device transmit that code back to the server having the personal calendar information.

In considering (D), the Examiner respectfully disagrees. Please see discussion of point (A).

(E) Applicant contends that Berenson does not show that the event record is displayed with calendar information as a non-committed event.

In considering (E), the Examiner respectfully disagrees. Berenson shows that non-committed events (i.e. programs that have not been individually selected for event reminding) are presented to a user for selection. The calendar information is considered the schedule to be broadcast. It is implied if not inherent that the schedule includes some type of calendar information such as, date, time, day, etc.

(F) Applicant contends that Berenson does not disclose that a wireless device receives a plurality of codes associated with promoted events from a source external to the server.

In considering (F), the Examiner respectfully disagrees. Please see discussion of point (A).

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(G) Applicant contends that Berenson does not disclose a server that maintains a calendar a database having personal information for users of the wireless devices also maintain an association of codes with events sponsored by third party entities, where the code is provided to the wireless devices from a source external to the server.

In considering (G), the Examiner respectfully disagrees. Berenson shows that the server maintains an association of codes with events sponsored by third party entities by showing that a user may select certain programs (i.e. events sponsored by third party entities) and have the server notify the user about the program. The code is considered the hyperlink as discussed above that allows a user to obtain more information about the program. The code is provided to the wireless device from a source external to the server as discussed above.

(H) Applicant contends that Berenson does not disclose that a server determine a scheduled event record having information on a promoted event that corresponds to the received code.

In considering (H), the Examiner respectfully disagrees. Berenson shows that a server determines scheduled event records by an event message processor that is used to check changes to schedules and send notifications for events. For the received code, please see point (A) discussed above.

(I) Applicant contends that Berenson does not disclose that a code received from a wireless device that the wireless device received from a source external to the server is used to determine a scheduled event record for a promoted event to add to the calendar database of the user.

In considering (I), the Examiner respectfully disagrees. Berenson shows that a user may search for events and then select a hyperlink (i.e. code) to set the event as a reminder. Please see discussion of point (A).

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(J) Applicant contends that Berenson does not disclose that the server maintain an association of scheduled events and code for different event promoters.

In considering (J), the Examiner respectfully disagrees. Berenson shows that the calendaring system can be used with different event promoters such as public or private events, sporting events etc. Each of those different events are completely different, thus are associated with different event promoters.

(K) Applicant contends that Berenson does not disclose that the wireless device that receives a scheduled event on a promoted event from a transmitter system also transmit the scheduled event record for the promoted event to a server that has the calendar database for the user of the transmitting wireless device, and that the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device.

In considering (K), the Examiner respectfully disagrees. Please consider discussion of point (A), showing how a wireless device user can receive hyperlinks (i.e. code) that correspond to scheduled events on a promoted event from a transmitter system (i.e. web server), where the scheduled event record is transmitted to a server that has a calendar database (i.e. event master schedule), and that the server stores the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device (i.e. event record is stored so that event messages can be sent to users).

(L) Applicant contends that Berenson in view of Extended Systems does not disclose that the three transmissions are performed without intervening user interaction, of transmitting the code to the wireless device, transmitting the code to the server, and rendering the code at the wireless device.

In considering (L), the Examiner respectfully disagrees. Extended Systems shows that a device can synchronize with another device while the device remains in the user's pocket (i.e. no user interaction). At the time of the invention, a person having ordinary skill in the art would found it obvious that Berenson's teaching of transmitting code can be performed while the device is in the user's pocket

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(i.e. no user interaction) since it is well known that data can be transmitted (i.e. synchronizing) without user intervention.

(M) Applicant contends that Berenson in view of Ciarlante does not disclose that a fee is charged to an event promoter to include a scheduled event record in a data structure maintained by a server that has the user calendar database to make promoter scheduled event records available to wireless devices.

In considering (M), the Examiner respectfully disagrees. At the time of the invention, a person having ordinary skill in the art would have found it obvious that a server system such as a calendaring system could charge an event promoter to use their hosting system (i.e. the calendaring system). The calendaring system is analogous to the hosting system in that an ISP can charge users to use for bandwidth and disk usage to host their content. The system of Berenson could charge event promoters bandwidth and disk usage to host their promoted events.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Philip Chea

7/10/07

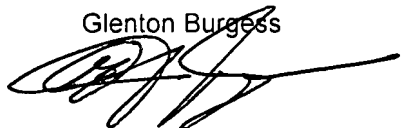


Conferees:



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REMARKS/ARGUMENTS

Pursuant to 37 CFR 41.33(b), Applicants request the Examiner to enter this Amendment to cancel claims 17, 19, 20, 29, 31, 32, 49, 51, and 52. Applicants request the Examiner to enter this amendment because canceling these claims does not affect the scope of other pending claims.

Applicants submit herewith the fee for the petition for extension of time. Should any additional fees be required, please charge Deposit Account No. 09-0447.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: May 9, 2007

By: /David Victor/

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